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MAILED

Paper No. 8

JAN 14 2004

Technology Center 2100

In re Application of: Hennessey)
Application No. 10/014,470) **DECISION ON PETITION TO**
Attorney Docket No. 1963-7422US1) **WITHDRAW HOLDING OF**
Filed: December 14, 2001) **ABANDONMENT UNDER 37 CFR**
For: A REAL-TIME "GARBAGE") **§1.181**
COLLECTOR")

This is a decision on the petition, filed September 29, 2003 requesting the Withdrawal of the Holding of Abandonment of the above-identified application. The petition is being considered under 37 CFR §1.181. This application was held abandoned for failure to respond to the Office action mailed October 1, 2002 (Paper No. 4). A Notice of Abandonment was mailed on May 6, 2003 (Paper No. 5).

In support of the petition, applicants' representative provides a statement that the Office action was not received and that a search of the file jacket and document records has been performed. The practitioner has also submitted a copy of the docket record as Exhibit A where the Office action would have been entered had it been received and docketed.

The evidence submitted has overcome the presumption of receipt in accordance with the guidelines set forth in MPEP § 711.03(c).

The petition is **GRANTED**. The holding of abandonment is withdrawn.

The application file will be forwarded to the Technology Center support staff. The Office action will be remailed with the three-month shortened statutory period for reply restarted to run from the date of the remailing. Telephone inquiries should be directed to the undersigned at (703) 308-0269.

Josie A. Ballato
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